

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1097 be amended to read as follows:

1       Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:

3       "SECTION 1. IC 4-4-6.1-2.6 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 2.6. (a) This  
5 section applies to records and other information, including records and  
6 information that are otherwise confidential, maintained by the  
7 following:

- 8       (1) The board.  
9       (2) An urban enterprise association.  
10       (3) The department of state revenue.  
11       (4) The department of commerce.  
12       (5) The department of local government finance.  
13       (6) A county auditor.  
14       **(7) A controller for a consolidated city.**  
15       ~~(7)~~ **(8) A township assessor.**

16       (b) A person listed in subsection (a) may request a second person  
17 described in subsection (a) to provide any records or other information  
18 maintained by the second person that concern an individual or business  
19 that is receiving a tax deduction, exemption, or credit related to an  
20 enterprise zone. Notwithstanding any other law, the person to whom the  
21 request is made under this section must comply with the request. A  
22 person receiving records or information under this section that are  
23 confidential must also keep the records or information confidential.

24       (c) A person who receives confidential records or information under  
25 this section and knowingly or intentionally discloses the records or  
26 information to an unauthorized person commits a Class A  
27 misdemeanor."

28       Page 5, between lines 32 and 33, begin a new paragraph and insert:

29       "SECTION 7. IC 36-1-2-7 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. "Fiscal officer"  
31 means:

- 32       (1) auditor, for a county **not having a consolidated city;**

- (2) controller, for a:
- (A) consolidated city;
  - (B) **county having a consolidated city**; or
  - (C) second class city;
- (3) clerk-treasurer, for a third class city;
- (4) clerk-treasurer, for a town; or
- (5) trustee, for a township.

SECTION 8. IC 36-2-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. This chapter applies to all counties **except a county having a consolidated city.**

SECTION 9. IC 36-2-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. ~~(a) This section does not apply to a county having a consolidated city.~~

~~(b)~~ (a) The auditor shall perform the duties of clerk of the county executive under IC 36-2-2-11.

~~(c)~~ (b) If the auditor cannot perform the duties of clerk during a meeting of the county executive, and ~~he~~ **the auditor** does not have a deputy or ~~his~~ **the auditor's** deputy cannot attend the meeting, the executive may deputize a person to perform those duties during the meeting.

SECTION 10. IC 36-2-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 8. ~~(a) This section does not apply to a county having a consolidated city.~~

~~(b)~~ The auditor shall perform the duties of clerk of the county fiscal body under IC 36-2-3-6(b).

SECTION 11. IC 36-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]:

#### **Chapter 9.5. County Auditor of Marion County**

**Sec. 1. This chapter applies to a county having a consolidated city.**

**Sec. 2. (a) The county auditor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The auditor forfeits office if the auditor ceases to be a resident of the county.**

**(b) The term of office of the county auditor under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.**

**Sec. 3. The county auditor shall keep an office in a building provided at the county seat by the county executive. The auditor shall keep the office open for business during regular business hours on every day of the year except:**

- (1) Sundays;
- (2) legal holidays; and
- (3) days specified by the county executive according to the custom and practice of the county.

**Sec. 4. A legal action required to be taken in the county**

auditor's office on a day when the auditor's office is closed under section 3 of this chapter may be taken on the next day the office is open.

**Sec. 5. The county auditor shall furnish standard forms for use in the transaction of business under this article and for use in the performance of services for which the auditor receives a specific fee.**

**Sec. 6. The county auditor may administer the following:**

**(1) An oath necessary in the performance of the auditor's duties.**

**(2) The oath of office to an officer who receives the officer's certificate of appointment or election from the auditor.**

**(3) An oath relating to the duty of an officer who receives the officer's certificate of appointment or election from the auditor.**

**(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).**

SECTION 12. IC 36-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 10. (a) The board of commissioners of the county is composed of the county treasurer, the county auditor, and the county assessor. These officers shall serve ex officio as commissioners without additional compensation for performing the duties of the board.

(b) The board of commissioners:

(1) shall make the appointments required by statute to be made by the board of commissioners of a county;

(2) shall perform the duties and exercise the powers prescribed by statutes pertaining to the issuance and payment of bonds of the county and the expenditure of the unexpended proceeds of those bonds; and

~~(3) (2)~~ may exercise the powers granted it by Article 9, Section 3 of the Constitution of the State of Indiana and by IC 12-30-3.

SECTION 13. IC 36-3-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 14. (a) An ordinance or resolution passed by a legislative body is considered adopted when it is:

(1) signed by the presiding officer; and

(2) if subject to veto, either approved by the executive or passed over ~~his~~ **the executive's** veto by the legislative body, under section 16 of this chapter.

(b) All ordinances and resolutions of a legislative body are subject to veto, except the following:

~~(1) An ordinance or resolution, or part of either, providing for the budget or appropriating money for an office or officer of the county provided for by the Constitution of Indiana or for a judicial office or officer.~~

~~(2) (1)~~ An ordinance or resolution approving or modifying the

1 budget of a political subdivision that the legislative body is  
2 permitted by statute to review.

3 ~~(3)~~ (2) A resolution making an appointment that the legislative  
4 body is authorized to make.

5 ~~(4)~~ (3) A resolution selecting officers or employees of the  
6 legislative body.

7 ~~(5)~~ (4) A resolution prescribing rules for the internal management  
8 of the legislative body.

9 ~~(6)~~ (5) A zoning ordinance or amendment to a zoning ordinance,  
10 or a resolution approving a comprehensive plan, that is adopted  
11 under IC 36-7.

12 (c) An ordinance prescribing a penalty or forfeiture for a violation  
13 must, before it takes effect, be published in the manner prescribed by  
14 IC 5-3-1, unless:

15 (1) it is published under subsection (d); or

16 (2) there is an urgent necessity requiring its immediate  
17 effectiveness, the executive proclaims the urgent necessity, and  
18 copies of the ordinance are posted in three (3) public places in the  
19 county.

20 (d) If a legislative body publishes any of its ordinances in book or  
21 pamphlet form, no other publication is required. If an ordinance  
22 prescribing a penalty or forfeiture for a violation is published under this  
23 subsection, it takes effect two (2) weeks after the publication of the  
24 book or pamphlet. Publication under this subsection, if authorized by  
25 the legislative body, constitutes presumptive evidence:

26 (1) of the ordinances in the book or pamphlet;

27 (2) of the date of adoption of the ordinances; and

28 (3) that the ordinances have been properly signed, attested,  
29 recorded, and approved.

30 (e) Unless a legislative body provides in an ordinance or resolution  
31 for a later effective date, the ordinance or resolution takes effect when  
32 it is adopted, subject to subsections (c) and (d).

33 (f) Subsections (a), (c), (d), and (e) do not apply to zoning  
34 ordinances or amendments to zoning ordinances, or resolutions  
35 approving comprehensive plans, that are adopted under IC 36-7.

36 SECTION 14. IC 36-3-5-2 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 2. (a) The  
38 executive shall, subject to the approval of the city-county legislative  
39 body, appoint each of ~~his~~ **the executive's** deputies and the director of  
40 each department of the consolidated city. A deputy or director is  
41 appointed for a term of one (1) year and until ~~his~~ **a** successor is  
42 appointed and qualified, but serves at the pleasure of the executive.

43 (b) When making an appointment under subsection (a), the  
44 executive shall submit the name of an appointee to an office to the  
45 legislative body for its approval as follows:

46 (1) When the office has an incumbent, not more than forty-five  
47 (45) days before the expiration of the incumbent's one (1) year  
48 term.

(2) When the office has been vacated, not more than forty-five (45) days after the vacancy occurs.

(c) The executive may appoint an acting deputy or acting director whenever the incumbent is incapacitated or the office has been vacated. An acting deputy or acting director has all the powers of the office.

(d) The executive shall appoint:

(1) a controller;

**(2) two (2) deputy controllers, only one (1) of whom may be from the same political party as the executive; and**

**(3) a corporation counsel;**

each of whom serves at the pleasure of the executive.

(e) The corporation counsel and every attorney who is a city employee working for the corporation counsel must be a resident of the county and admitted to the practice of law in Indiana.

SECTION 15. IC 36-3-5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 2.5. **(a)** The controller appointed under section 2 of this chapter is:

(1) the fiscal officer of:

**(A) the consolidated city; but and**

**(B) the county; and**

**(2) the director of the office of finance and management under section 2.7 of this chapter.**

**(b)** The county treasurer ~~shall serve~~ **serves** ex officio as the treasurer of the consolidated city.

SECTION 16. IC 36-3-5-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 2.6. The:

(1) controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the controller's duty as a fiscal officer of:

**(A) the consolidated city; and**

**(B) the county; and**

**(2) deputy controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the deputy controller's duty;**

unless the act or omission constitutes gross negligence or an intentional disregard of the controller's **or the deputy controller's** duty.

SECTION 17. IC 36-3-5-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 2.7. (a) Except as provided in subsection (c), the office of finance and management is established and is responsible for:**

**(1) accounting and budgeting;**

**(2) financial reporting and audits;**

**(3) revenue and tax distributions;**

**(4) purchasing;**

**(5) fixed assets;**

**(6) payroll, accounts payable, and accounts receivable; and**

(7) maintenance of property records;  
for all city and county departments, offices, and agencies.

(b) The controller:

(1) serves as the director of; and

(2) may organize into divisions;

the office of finance and management.

(c) The county auditor shall:

(1) prepare the budgets for:

(A) the circuit and superior courts in the county; and

(B) the prosecuting attorney of the county; and

(2) present the budgets to the city-county legislative body  
under IC 36-3-6-6.

SECTION 18. IC 36-3-5-2.8 IS ADDED TO THE INDIANA  
CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JANUARY 1, 2006]: Sec. 2.8. (a) Except as provided  
in subsections (b) and (c), the controller:

(1) has all the powers; and

(2) performs all the duties;

of the county auditor under law.

(b) The controller:

(1) does not have the powers; and

(2) may not perform the duties;

of the county auditor under IC 36-2-9.5 and IC 36-3-6, or as a  
member of the board of commissioners of the county under  
IC 36-3-3-10.

(c) Notwithstanding subsection (a) or any other law, the  
executive, with the approval of the legislative body, may allocate  
the duties of the county auditor, except the duties referred to in  
subsection (b), among:

(1) the controller;

(2) the county assessor;

(3) the county auditor; or

(4) other appropriate city or county officials.

SECTION 19. IC 36-3-5-4 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The  
following executive departments of the consolidated city are  
established, subject to IC 36-3-4-23:

(1) Department of administration **and equal opportunity**.

(2) Department of metropolitan development.

(3) Department of public safety.

(4) Department of public works.

(5) Department of transportation.

(6) Department of parks and recreation.

These departments and their divisions have all the powers, duties,  
functions, and obligations prescribed by law for them as of August 31,  
1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1

continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article.

SECTION 20. IC 36-3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 9. The controller shall furnish standard forms for use in the:**

- (1) transaction of business; and**
- (2) performance of services for which the consolidated city or county receives a specific fee.**

SECTION 21. IC 36-3-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 10. The controller, in the name of the state and on behalf of any fund of the county or consolidated city, may sue principals or sureties on any obligation, whether the obligation is in the name of the state or another person.**

SECTION 22. IC 36-3-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 11. The controller shall:**

- (1) immediately file the original of the county treasurer's monthly report under IC 36-2-10-16 with the records of the county board of finance;**
- (2) present one (1) copy of the report to the legislative body of the consolidated city at its next regular meeting; and**
- (3) immediately transmit one (1) copy of the report to the state board of accounts.**

SECTION 23. IC 36-3-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 12. The controller shall keep an accurate account current with the county treasurer. When a receipt given by the treasurer for money paid into the county treasury is deposited with the controller, the controller shall:**

- (1) file the treasurer's receipt;**
- (2) charge the treasurer with the amount of the treasurer's receipt; and**
- (3) issue the controller's own receipt to the person presenting the treasurer's receipt.**

SECTION 24. IC 36-3-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 13. (a) The controller shall:**

- (1) keep a separate account for each item of appropriation made by the legislative body of the consolidated city; and**
- (2) in each warrant the controller draws on the county treasury, indicate the item of appropriation the warrant is drawn against.**

**(b) The controller may not permit an item of appropriation to**

be:

(1) overdrawn; or

(2) drawn on for a purpose other than the specific purpose for which the appropriation was made.

(c) A controller who knowingly violates this section commits a Class A misdemeanor.

SECTION 25. IC 36-3-5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 14. (a) This section does not apply to:

(1) funds received from the state or the federal government for:

(A) township assistance;

(B) unemployment relief; or

(C) old age pensions; or

(2) other funds available under:

(A) the federal Social Security Act; or

(B) another federal statute providing for civil and public works projects.

(b) Except for money that by statute is due and payable from the county treasury to:

(1) the state; or

(2) a township or municipality in the county;

money may be paid from the county treasury only upon a warrant drawn by the controller.

(c) A warrant may be drawn on the county treasury only if:

(1) the legislative body of the consolidated city made an appropriation of the money for the calendar year in which the warrant is drawn; and

(2) the appropriation is not exhausted.

(d) Notwithstanding subsection (c), an appropriation by the legislative body is not necessary to authorize the drawing of a warrant on and payment from a county treasury for:

(1) money that:

(A) belongs to the state; and

(B) is required by statute to be paid into the state treasury;

(2) money that belongs to a school fund, whether principal or interest;

(3) money that:

(A) belongs to a township or municipality in the county; and

(B) is required by statute to be paid to the township or municipality;

(4) money that:

(A) is due a person;

(B) is paid into the county treasury under an assessment on persons or property of the county in territory less than that of the whole county; and



- 1           (C) is paid for construction, maintenance, or purchase of a
- 2           public improvement;
- 3           (5) money that is due a person and is paid into the county
- 4           treasury to redeem property from a tax sale or other forced
- 5           sale;
- 6           (6) money that is due a person and is paid to the county under
- 7           law as a tender or payment to the person;
- 8           (7) taxes erroneously paid;
- 9           (8) money paid to a cemetery board under IC 23-14-65-22;
- 10          (9) money distributed under IC 23-14-70-3; or
- 11          (10) payments under a statute that expressly provides for
- 12          payments from the county treasury without appropriation by
- 13          the legislative body.

14          (e) A controller who knowingly violates this section commits a  
15          Class A misdemeanor.

16          SECTION 26. IC 36-3-5-15 IS ADDED TO THE INDIANA CODE  
17          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
18          JANUARY 1, 2006]: **Sec. 15. (a) The controller shall examine and**  
19          **settle all accounts and demands that are:**

- 20               (1) chargeable against the county; and
- 21               (2) not otherwise provided for by statute.
- 22          (b) The controller shall issue warrants on the county treasury
- 23          for:
- 24               (1) sums of money settled and allowed by the controller;
- 25               (2) sums of money settled and allowed by another official; or
- 26               (3) settlements and allowances fixed by statute;

27          and shall make the warrants payable to the person entitled to  
28          payment. The warrants shall be numbered progressively, and the  
29          controller shall record the number, date, amount, payee, and  
30          purpose of issue of each warrant at the time of issuance.

31          SECTION 27. IC 36-3-5-16 IS ADDED TO THE INDIANA CODE  
32          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
33          JANUARY 1, 2006]: **Sec. 16. Whenever:**

- 34               (1) a judgment or order is issued by a court in a case in which
- 35               the county is:
- 36                    (A) a party; and
- 37                    (B) served with process for the payment of a claim;
- 38               (2) a certified copy of the judgment or order is filed with the
- 39               controller; and
- 40               (3) the claim is allowed by the legislative body of the
- 41               consolidated city;

42          the controller shall issue a warrant for the claim.

43          SECTION 28. IC 36-3-5-17 IS ADDED TO THE INDIANA CODE  
44          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
45          JANUARY 1, 2006]: **Sec. 17. (a) At the semiannual settlement**  
46          **meeting under IC 6-1.1-27, the controller shall issue calls for the**  
47          **redemption of outstanding county warrants if there is money**

1 available in the county treasury for redemption of those warrants.

2 (b) A warrant included in a call under this section ceases to bear  
3 interest on the date of the call. The county treasurer shall redeem  
4 warrants included in the call when the warrants are presented to  
5 the county treasurer.

6 (c) A controller who violates this section is liable for the interest  
7 on money used for redemption.

8 SECTION 29. IC 36-3-5-18 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
10 JANUARY 1, 2006]: Sec. 18. (a) Except as provided in subsection  
11 (b), if the controller is held personally liable for penalties and  
12 interest assessed by the Internal Revenue Service, the county  
13 treasurer shall reimburse the controller in an amount equal to the  
14 penalties and interest.

15 (b) The county treasurer may not reimburse the controller  
16 under subsection (a) if the controller willfully or intentionally fails  
17 or refuses to file a return or make a required deposit on the date  
18 the return or deposit is due.

19 SECTION 30. IC 36-3-5-19 IS ADDED TO THE INDIANA CODE  
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
21 JANUARY 1, 2006]: Sec. 19. (a) Before the controller makes the  
22 endorsement required by IC 36-2-11-14, the controller may require  
23 that a tax identification number identifying the affected real  
24 property be placed on an instrument that conveys, creates,  
25 encumbers, assigns, or otherwise disposes of an interest in or a lien  
26 on real property. The tax identification number may be established  
27 by the controller with the approval of the state board of accounts.  
28 If the tax identification number is affixed to the instrument or a tax  
29 identification number is not required, the controller shall make the  
30 proper endorsement on demand.

31 (b) On request, the controller shall provide assistance in  
32 obtaining the proper tax identification number for instruments  
33 subject to this section.

34 (c) The tax administration number established by this section is  
35 for use in administering statutes concerning taxation of real  
36 property and is not competent evidence of the location or size of the  
37 real property affected by the instrument.

38 (d) The legislative body of the consolidated city may adopt an  
39 ordinance authorizing the controller to collect a fee in an amount  
40 that does not exceed five dollars (\$5) for each:

41 (1) deed; or

42 (2) legal description of each parcel contained in the deed;

43 for which the controller makes a real property endorsement. This  
44 fee is in addition to any other fee provided by law. The controller  
45 shall place revenue received under this subsection in a dedicated  
46 fund for use in maintaining plat books.

47 SECTION 31. IC 36-3-5-20 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 20. The controller shall:**

**(1) maintain an electronic data file of the information contained on the tax duplicate for all:**

**(A) parcels; and**

**(B) personal property returns;**

**for each township in the county as of each assessment date;**

**(2) maintain the file in the form required by:**

**(A) the legislative services agency; and**

**(B) the department of local government finance; and**

**(3) transmit the data in the file with respect to the assessment date of each year before March 1 of the next year to:**

**(A) the legislative services agency in an electronic format under IC 5-14-6; and**

**(B) the department of local government finance.**

SECTION 32. IC 36-3-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 3. (a) A legislative body shall, by ordinance or resolution, fix the annual compensation of all appointed officers, deputies, and employees under its jurisdiction. This may be done by adopting schedules of compensation. The schedules of compensation may include a provision for salaried employees whose salaries are paid on an annual basis. Salaried employees shall work a regularly scheduled work week, in accordance with the schedule of compensation.

(b) The city-county legislative body has jurisdiction over all appointed officers, deputies, and employees:

(1) of the consolidated city, except those of special service districts; or

(2) whose compensation is payable from the county general fund or any other fund from which the ~~county auditor~~ **controller** issues warrants for compensation.

A special service district legislative body has jurisdiction over all appointed officers, deputies, and employees of the special service district.

(c) This chapter does not affect the salaries of judges, officers of courts, prosecuting attorneys, and deputy prosecuting attorneys whose minimum salaries are fixed by statute, but the city-county legislative body may make appropriations to pay them more than the minimums fixed by statute. Beginning July 1, 1995, an appropriation made under this subsection may not exceed five thousand dollars (\$5,000) for each judge or full-time prosecuting attorney in any calendar year.

SECTION 33. IC 36-3-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of

money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

- (1) The director of each department of the consolidated city.
- (2) Each township assessor, elected county officer, or head of a county agency.
- (3) The county clerk, for each court ~~of which he is the clerk~~ **serves.**

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate ~~he the officer~~ prepares stating that in ~~his the~~ **officer's** opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates ~~prepared by city officers~~ shall be submitted to the ~~city fiscal officer, and all of the~~ **controller, except that** estimates ~~prepared by county officers relating to the circuit and superior courts in the county and the prosecuting attorney of the county~~ shall be submitted to the county ~~fiscal officer.~~ **auditor.**

(g) The ~~city fiscal officer~~ **controller** shall also prepare an itemized estimate of ~~city~~ expenditures for other purposes above the money proposed to be used by the city **and county** departments, **offices, and agencies.**

SECTION 34. IC 36-3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 5. (a) The ~~consolidated city fiscal officer~~ **controller** shall review and revise the estimates of ~~city~~ expenditures ~~prepared~~ **submitted** under section 4 of this chapter. Then ~~he the~~ **controller** shall prepare for the executive a report of the estimated ~~department~~ budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates, along with ~~his the controller's~~ recommendations.

(b) The executive shall determine the amounts to be included in the proposed appropriations ordinance by the ~~city fiscal officer~~ **controller** and advise ~~him the~~ **controller** of those amounts.

SECTION 35. IC 36-3-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6. (a) **Except as provided in subsection (b), the consolidated city fiscal officer and the county fiscal officer controller** shall, with the assistance of the corporation counsel, prepare:

- (1) proposed appropriations ordinances for the city and county and each special service district; and
- (2) proposed ordinances fixing the rate of taxation for the taxes to be levied for all city and county departments, offices, and agencies.

1 The proposed appropriations ordinances must contain all the amounts  
 2 necessary for the operation of consolidated government, listed in major  
 3 classifications.

4 **(b) The county auditor shall perform the duties of the controller**  
 5 **under subsection (a) with respect to:**

6 **(1) the circuit and superior courts in the county; and**

7 **(2) the prosecuting attorney for the county.**

8 ~~(b) (c) The: fiscal officers~~

9 **(1) controller shall submit the proposed ordinances prepared**  
 10 **under subsection (a); and**

11 **(2) county auditor shall submit the proposed ordinances**  
 12 **prepared under subsection (b);**

13 along with appropriation detail accounts for each city and county  
 14 department, office, and agency, to the city clerk not later than the first  
 15 meeting of the city-county legislative body in August.

16 SECTION 36. IC 36-3-6-8 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 8. After the  
 18 passage of an appropriations ordinance, a legislative body may, on the  
 19 recommendation of:

20 ~~(1) the consolidated city fiscal officer auditor, as to city matters;~~  
 21 **appropriations for:**

22 **(A) the circuit and superior courts in the county; or**

23 **(B) the prosecuting attorney of the county; or**

24 ~~(2) the county fiscal officer controller, as to all other city and~~  
 25 ~~county matters: appropriations;~~

26 make further or additional appropriations, unless their result is to  
 27 increase a tax levy set by ordinance.

28 SECTION 37. IC 36-3-7-5 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 5. (a) Liens for  
 30 taxes levied by the consolidated city are perfected when certified to the  
 31 ~~auditor of the county: controller.~~

32 (b) Liens created when the city enters upon property to make  
 33 improvements to bring it **the property** into compliance with a city  
 34 ordinance, and liens created upon failure to pay charges assessed by the  
 35 city for services shall be certified to the ~~auditor; controller~~ after the  
 36 adoption of a resolution confirming the incurred expense by the  
 37 appropriate city department, board, or other agency. In addition, the  
 38 resolution must state the name of the owner as it appears on the  
 39 township assessor's record and a description of the property. These liens  
 40 are perfected when certified to the ~~auditor: controller.~~

41 (c) The amount of a perfected lien shall be placed on the tax  
 42 duplicate by the ~~auditor controller~~ in the nature of a delinquent tax  
 43 subject to enforcement and collection as otherwise provided under  
 44 IC 6-1.1-22, IC 6-1.1-24, and IC 6-1.1-25. However, the amount of the  
 45 lien is not considered a tax within the meaning of IC 6-1.1-21-2(b) and  
 46 shall not be included as a part of either a total county tax levy under  
 47 IC 6-1.1-21-2(g) or the tax liability of a taxpayer under IC 6-1.1-21-5  
 48 for purposes of the tax credit computations under IC 6-1.1-21-4 and

1 IC 6-1.1-21-5.

2 SECTION 38. [EFFECTIVE JULY 1, 2005] The general assembly  
3 finds the following:

4 (1) A consolidated city faces unique budget challenges due to  
5 a high demand for services combined with the large number  
6 of tax exempt properties located in a consolidated city as the  
7 seat of state government, home to several institutions of higher  
8 education, and home to numerous national, state, and regional  
9 nonprofit corporations.

10 (2) By virtue of its size and population density, a consolidated  
11 city has unique overlapping territories of county, city, and  
12 township government and an absence of unincorporated areas  
13 within its county.

14 (3) By virtue of its size, population, and absence of  
15 unincorporated areas, development extends to and across the  
16 boundaries of the contiguous governmental territories located  
17 within a county having a consolidated city, thus giving less  
18 meaning to boundaries of the governmental territories located  
19 within the county.

20 (4) By virtue of its size, population, absence of unincorporated  
21 areas, overlapping territories, and development to and across  
22 the boundaries of contiguous governmental territories, there  
23 is less need for differentiation of local governmental services  
24 within the separate governmental territories located within a  
25 county having a consolidated city, but rather the local  
26 governmental service needs are similar and more uniform  
27 within and across a county having a consolidated city.

28 (5) The provision of local governmental services by multiple  
29 governmental entities with overlapping territories, and by  
30 governmental entities with contiguous territories with less  
31 meaningful boundaries, results in disparate levels of local  
32 government services within a county having a consolidated  
33 city and results in the inefficient and poor use of taxpayer  
34 dollars.

35 (6) As the seat of state government and a center for  
36 professional sporting events, tourism, and culture in central  
37 Indiana, the consolidated city faces unique demands for  
38 protecting governmental property and securing the safety of  
39 large numbers of residents and visitors, which require  
40 innovative approaches to public safety resources.

41 (7) If public safety resources are consolidated, residual  
42 services provided by townships are limited and can more  
43 effectively and uniformly be performed through consolidation  
44 at the city or county level.

45 (8) Substantial operational efficiencies, reduction of  
46 administrative costs, and economies of scale may be obtained  
47 in a consolidated city through further consolidation of county,

city, and township services and operations.

(9) Consolidation of county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

(A) eliminate duplicative services;

(B) provide better coordinated and more uniform delivery of local governmental services;

(C) provide uniform oversight and accountability for the budgets for local governmental services;

(D) simplify the system of property taxation;

(E) provide more unified tax rates; and

(F) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(10) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(11) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1097 as printed April 6, 2005.)

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Senator BREAUX